



REPLY TO  
ATTENTION OF:

EACG

**DEPARTMENT OF THE ARMY**  
**HEADQUARTERS, EIGHTH UNITED STATES ARMY**  
**UNIT #15236**  
**APO AP 96205-0009**

08 JAN 2007

MEMORANDUM FOR All Eighth United States Army Assigned Soldiers and Civilians

SUBJECT: Eighth United States Army Command Policy #5 – Separation Actions  
Concerning Soldiers Convicted by Civil Authorities

1. REFERENCE. AR 635-200, Active Duty Enlisted Administrative Separations, 6 JUN 05.
2. PURPOSE. To ensure that when a foreign tribunal convicts Eighth United States Army Soldiers, they are considered for separation and treated uniformly throughout the command.
3. BACKGROUND.
  - a. IAW AR 635-200, paragraph 14-9, major overseas commanders have authority to approve the discharge of Soldiers convicted by a foreign tribunal. Discharge of convicted Soldiers is not mandatory, but each case must be evaluated to determine whether separation is appropriate.
  - b. IAW AR 635-200, paragraph 14-9a, the General Court-Martial Convening Authority (GCMCA) of the 2d Infantry Division and the 19<sup>th</sup> Sustainment Command Expeditionary are delegated authority to discharge Soldiers convicted by a foreign tribunal.
4. DISCUSSION.
  - a. When foreign civil authorities initially convict a Soldier of an offense meeting the standards of AR 635-200, paragraph 14-5a, the immediate commander of the Soldier must consider whether the specific circumstances of the case warrant separation. The commander must either initiate separation or forward a recommendation for retention through the chain of command to the GCMCA.
  - b. If the immediate commander initiates separation, the separation action will be processed UP AR 635-200, paragraph 14-5.
  - c. Recommendations for retention will specify why retention would be in the best interest of the Army IAW AR 635-200, paragraph 14-7.

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d. When the Soldier's command recommends retention, the GCMCA will either approve the recommendation for retention or return the recommendation through the chain of command to the immediate commander for initiation of a separation action. The separation action will be processed UP AR 635-200, paragraph 14-5.

5. PROPONENT. The Eighth United States Army Staff Judge Advocate is the proponent for this policy. The POC can be contacted at commercial 011-822-7918-6856 or DSN 315-738-6856.

A handwritten signature in black ink, appearing to read 'D. Valcourt', with a stylized flourish extending to the right.

DAVID P. VALCOURT  
Lieutenant General, USA  
Commanding